

C. Brooks Cutter (SBN 121407)
Jennifer S. Domer (SBN 305822)
Celine Cutter (SBN 312622)
CUTTER LAW P.C.
401 Watt Avenue
Sacramento, CA 95864
Telephone: 916-290-9400
Facsimile: 916-588-9330
Email: bcutter@cutterlaw.com
jdomer@cutterlaw.com
ccutter@cutterlaw.com

Attorneys for ROE CL Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No.: 3:23-md-03084-CRB

Hon. Charles R. Breyer

This Document Relates to:

*Jane Roe CL 17 v. Uber Technologies,
Inc., et al., No. 3:24-cv-04915-CRB*

*Jane Roe CL 37 v. Uber Technologies,
Inc., et al., No. 3:24-cv-05728-CRB*

*Jane Roe CL 38 v. Uber Technologies,
Inc., et al., No. 3:24-cv-05729-CRB*

*Jane Roe CL 67 v. Uber Technologies,
Inc., et al., No. 3:24-cv-06191-CRB*

*Jane Roe CL 70 v. Uber Technologies,
Inc., et al., No. 3:24-cv-06863-CRB*

*Jane Roe CL 71 v. Uber Technologies,
Inc., et al., No. 3:24-cv-06864-CRB*

*Jane Roe CL 76 v. Uber Technologies,
Inc., et al., No. 3:24-cv-07569-CRB*

*Jane Roe CL 77 v. Uber Technologies,
Inc., et al., No. 3:24-cv-07571-CRB*

*Jane Roe CL 79 v. Uber Technologies,
Inc., et al., No. 3:24-cv-07587-CRB*

**PLAINTIFFS' MEMORANDUM IN
SUPPORT OF OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS
CASES FOR FAILURE TO COMPLY
WITH PTO 5**

Date: October 3, 2025
Time: 10:00 a.m.
Courtroom: 6 – 17th Floor

1 *Jane Roe CL 81 v. Uber Technologies,*
2 *Inc., et al., No. 3:24-cv-08521-CRB*

3 *Jane Roe CL 83 v. Uber Technologies,*
4 *Inc., et al., No. 3:24-cv-08525-CRB*

5 *Jane Roe CL 88 v. Uber Technologies,*
6 *Inc., et al., No. 3:24-cv-09145-CRB*

7 *Jane Roe CL 91 v. Uber Technologies,*
8 *Inc., et al., No. 3:24-cv-09235-CRB*

9 *Jane Roe CL 92 v. Uber Technologies,*
10 *Inc., et al., No. 3:24-cv-09237-CRB*

11 *Jane Roe CL 93 v. Uber Technologies,*
12 *Inc., et al., No. 3:24-cv-09549-CRB*

13 *Jane Roe CL 98 v. Uber Technologies,*
14 *Inc., et al., No. 3:25-cv-00853-CRB*

15 *Jane Roe CL 101 v. Uber Technologies,*
16 *Inc., et al., No. 3:25-cv-01118-CRB*

17 *Jane Roe CL 102 v. Uber Technologies,*
18 *Inc., et al., No. 3:25-cv-01120-CRB*

19 *Jane Roe CL 107 v. Uber Technologies,*
20 *Inc., et al., No. 3:25-cv-01470-CRB*

21 *Jane Roe CL 109 v. Uber Technologies,*
22 *Inc., et al., No. 3:25-cv-01652-CRB*

23 *Jane Roe CL 110 v. Uber Technologies,*
24 *Inc., et al., No. 3:25-cv-01653-CRB*

25 *Jane Roe CL 114 v. Uber Technologies,*
26 *Inc., et al., No. 3:25-cv-01942-CRB*

27 *Jane Roe CL 118 v. Uber Technologies,*
28 *Inc., et al., No. 3:25-cv-02132-CRB*

Jane Roe CL 119 v. Uber Technologies,
Inc., et al., No. 3:25-cv-02133-CRB

Jane Roe CL 122 v. Uber Technologies,
Inc., et al., No. 3:25-cv-02138-CRB

Jane Roe CL 126 v. Uber Technologies,
Inc., et al., No. 3:25-cv-02495-CRB

Jane Roe CL 138 v. Uber Technologies,
Inc., et al., No. 3:25-cv-03137-CRB

Jane Roe CL 139 v. Uber Technologies, Inc., et al., No. 3:25-cv-03255-CRB

Jane Roe CL 147 v. Uber Technologies, Inc., et al., No. 3:25-cv-03811-CRB

Jane Roe CL 148 v. Uber Technologies, Inc., et al., No. 3:25-cv-03812-CRB

Jane Roe CL 150 v. Uber Technologies, Inc., et al., No. 3:25-cv-03815-CRB

Jane Roe CL 151 v. Uber Technologies, Inc., et al., No. 3:25-cv-03816-CRB

Jane Roe CL 158 v. Uber Technologies, Inc., et al., No. 3:25-cv-04038-CRB

Jane Roe CL 160 v. Uber Technologies, Inc., et al., No. 3:25-cv-04205-CRB

Jane Roe CL 161 v. Uber Technologies, Inc., et al., No. 3:25-cv-04206-CRB

Jane Roe CL 164 v. Uber Technologies, Inc., et al., No. 3:25-cv-04587-CRB

Jane Roe CL 165 v. Uber Technologies, Inc., et al., No. 3:25-cv-04589-CRB

Jane Roe CL 166 v. Uber Technologies, Inc., et al., No. 3:25-cv-04591-CRB

Jane Roe CL 167 v. Uber Technologies, Inc., et al., No. 3:25-cv-04670-CRB

Jane Roe CL 169 v. Uber Technologies, Inc., et al., No. 3:25-cv-04672-CRB

Jane Roe CL 170 v. Uber Technologies, Inc., et al., No. 3:25-cv-04705-CRB

I. INTRODUCTION

On August 12, 2025, Defendants filed a Motion to Dismiss cases of Plaintiffs who did not file a bona fide trip receipt or ride form in connection with Pretrial Order (“PTO”) 5. (Doc. 3682). Counsel acknowledges and understands that under PTO 5, the court created procedures and deadlines to produce a bona fide trip receipt, or in the alternative complete a form that identifies

1 information Defendants can utilize to find the referenced ride, along with an explanation for its
2 unavailability. (Doc. 175, at 2-3).

3 Defendants' Motion argues that Plaintiffs have willfully violated this requirement and thus
4 deserve dismissal. However, during the course of litigation, there are a number of reasons a client
5 may become unavailable and unable to produce documents or information needed. Failure to
6 provide the information by a certain deadline does not mean a Plaintiff has willfully chosen not to
7 participate in their case. Counsel has undergone extensive efforts to find these clients and assist
8 them, predating Defendants' Motion. (Domer Decl. at ¶ 4).

9 II. ARGUMENT

10 Counsel has diligently worked with clients to try to ascertain the missing information
11 needed to complete a PTO 5 document or assist the client in finding a bona fide trip receipt. As
12 proof of this diligence, Counsel was able to assist eight Plaintiffs, Jane Roes CL 70, 76, 93, 118,
13 138, 150, 161, and 167, and produced their trip receipt or ride form. Due to the production of
14 these receipts and forms, their inclusion on their motion should be removed.

15 As indicated, there are many circumstances that may occur to render information not
16 readily available to comply with PTO 5 discovery obligations. For example, Plaintiff contact
17 information changes, or friends who may have ordered referenced rides also lose touch with
18 Plaintiffs as life or circumstances change. New contact information or changing friendships does
19 not mean a Plaintiff has willfully disregarded their obligation. However, it does mean that
20 additional steps may need to be taken to locate information or assist clients in locating
21 information required to comply with PTO 5. These Plaintiffs do not therefore deserve to have
22 their cases dismissed with prejudice as a result. Counsel will continue to reach out to Plaintiffs as
23 described in the attached Declaration.

24 III. CONCLUSION

25 For the foregoing reasons, Plaintiffs Jane Roes CL 70, 76, 93, 118, 138, 150, 161, and 167
26 should be removed from Defendants' Motion, and the remaining cases should not be dismissed
27 with prejudice.
28

1 Dated: August 26, 2025

CUTTER LAW P.C.

2 By: /s/ Jennifer S. Domer

3 Jennifer S. Domer (SBN 305822)

4 C. Brooks Cutter (SBN 121407)

5 Celine Cutter (SBN 312622)

CUTTER LAW P.C.

6 401 Watt Avenue

Sacramento, CA 95864

7 Telephone: 916-290-9400

Facsimile: 916-588-9330

8 Email: bcutter@cutterlaw.com

jdomer@cutterlaw.com

ccutter@cutterlaw.com

9
10 *Attorneys for ROE CL Plaintiffs*

CERTIFICATE OF SERVICE

I hereby certify that, on August 26, 2025, I electronically filed the following with the Clerk of the Court using the CM/ECF system, which will send notification of such filing via electronic mail to all counsel of record as maintained in the CM/ECF electronic system.

Dated: August 26, 2025

CUTTER LAW P.C.

By: /s/ Jennifer S. Domer

C. Brooks Cutter (SBN 121407)
Jennifer S. Domer (SBN 305822)
Celine Cutter (SBN 312622)
CUTTER LAW P.C.
401 Watt Avenue
Sacramento, CA 95864
Telephone: 916-290-9400
Facsimile: 916-588-9330
Email: bcutter@cutterlaw.com
jdomer@cutterlaw.com
ccutter@cutterlaw.com

Attorneys for ROE CL Plaintiffs